

**Introduced by Senator Negrete McLeod**

February 23, 2007

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An act to amend Sections 2818, 25305, and 31610 of the Vehicle Code, relating to highway safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 912, as introduced, Negrete McLeod. Highway safety: flares: electronic beacons.

(1) Existing law prohibits a person from placing, depositing, or displaying upon or adjacent to any highway any lighted fusee, except as a warning to approaching vehicular traffic, and prohibits the use of a fusee which produces other than a red light. A violation of the provisions regulating vehicles is a crime.

This bill would prohibit the use of any fusee in any county where a public water system located in that county violates the primary drinking water standard for perchlorate or where there is a fire hazard, thereby imposing a state-mandated local program by creating a new crime.

(2) Existing law requires a vehicle or combination of vehicles used in the transportation of explosives to be equipped and maintained in a specified manner, including not carrying any flare, fusee, oil lantern, or any signal device producing a flame.

This bill would require a vehicle used in the transportation of explosives to also carry at least 3 hermetically sealed intrinsically safe electronic beacons, as defined, thereby imposing a state-mandated local program by creating a new crime.

(3) Existing law makes it unlawful to traverse a flare pattern, cone pattern, or combination thereof, provided for the regulation of traffic or emergency scene management.

This bill would additionally make it unlawful to traverse an electronic beacon pattern, thereby imposing a state-mandated local program by creating a new crime.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2818 of the Vehicle Code is amended to  
2 read:

3 2818. It is unlawful to traverse *an electronic beacon pattern,*  
4 *as defined in subdivision (f) of Section 31610,* a flare pattern, cone  
5 pattern, or combination thereof, provided for the regulation of  
6 traffic, or provided in any situation where public safety personnel  
7 are engaged in traffic control or emergency scene management.

8 SEC. 2. Section 25305 of the Vehicle Code is amended to read:

9 25305. (a) No person shall place, deposit, or display upon or  
10 adjacent to any highway any lighted fusee, except as a warning to  
11 approaching vehicular traffic or railroad trains, or both, of an  
12 existing hazard upon or adjacent to the highway or  
13 highway-railroad crossing.

14 (b) It is unlawful to use any fusee which produces other than a  
15 red light. The provisions of this subdivision shall not apply to any  
16 railroad, as defined in Section 229 of the Public Utilities Code.

17 (c) *It is unlawful to use a fusee in any county where a public*  
18 *water system located in that county violates the primary drinking*  
19 *water standard for perchlorate, as adopted pursuant to Section*  
20 *116293 of the Health and Safety Code or where there is a fire*  
21 *hazard.*

22 SEC. 3. Section 31610 of the Vehicle Code is amended to read:

23 31610. Every vehicle or combination of vehicles used in the  
24 transportation of explosives and subject to this division, in addition  
25 to any other equipment required by law, shall be equipped and  
26 maintained as required by this section.

1 (a) Brakes and the brake system shall be maintained in good  
2 and safe operating condition.

3 (b) The ignition and lighting systems shall be maintained in  
4 good operating condition.

5 (c) All tires shall be in good condition, properly matched and  
6 inflated. Except as may be necessary to cause immediate  
7 replacement, no vehicle shall be driven unless all tires in actual  
8 use on the vehicle are properly inflated.

9 (d) Fire extinguishers and other safety equipment prescribed by  
10 regulations adopted by the department pursuant to subdivision (f)  
11 of Section 34500 and Section 34501 shall be carried in each vehicle  
12 or combination of vehicles.

13 (e) No flare, fusee, oil lantern, or any signal device producing  
14 a flame shall be carried upon any vehicle or combination of  
15 vehicles.

16 (f) (1) *At least three hermetically sealed intrinsically safe*  
17 *electronic beacons shall be carried in each vehicle or combination*  
18 *of vehicles.*

19 (2) *For purposes of this section, “electronic beacon” means a*  
20 *safety device that is designed to replace incendiary flares, uses*  
21 *LED technology, is equipped with intelligent electronic circuitry,*  
22 *and is water-tight and nonreactive.*

23 SEC. 4. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.